

Appl. No. : 10/801,163  
Filed : March 5, 2004

### REMARKS

Claims 1-26 are pending in this application. Claims 3, 4, 6-15, 17, 20, 21, 23, and 24 are amended herein. Claims 1-26 are therefore pending.

#### Amendments

Applicant has amended Claims 3, 4, 6-15, 17, 20, 21, 23, and 24 for clarity, for example to make antecedent bases more explicit. Applicant submits that the amendments are fully supported by the application and that no new matter is added by these amendments.

#### Response to Rejections of Claims 1-26 Under 35 U.S.C. § 103(a)

Claims 1-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,752,342 to Nagler in view of U.S. Patent No. 5,427,350 to Rinkewich. Applicant respectfully traverses the present rejection because Nagler, either alone or in combination with Rinkewich, fails to teach or suggest all of the features of the rejected claims.

Nagler teaches a system for spooling a flexible conduit and powering the spool with either a handled shaft 504 (Fig. 1) or a water-flow operated mechanism 520 (Figs. 2 & 3). Rinkewich teaches an electrically operated water distribution valve 3 (Figs. 2 & 5). The combination of Nagler and Rinkewich would not result in an electrically operated spooling mechanism. At most, a combination of Nagler and Rinkewich would result in a water-flow operated spooling mechanism and an electrically operated valve because the references are not mutually exclusive (i.e., both apparatuses may be used on the same system without modification).

Moreover, a skilled artisan would not be motivated to combine Nagler with Rinkewich. The Examiner's alleged motivation to combine the references is that it would have been obvious to use a generator including a battery and motor as taught by Rinkewich with the hose reel of Nagler for the purpose of providing a backup energy source. Applicants respectfully disagree.

First, there is no motivation to provide a backup energy source for the spooling device of Nagler. In fact, Nagler teaches that the "device *eliminates the need for an electric motor*, thereby making the device operable in the absence of an electric power source and thereby reducing the hazard of electric shock, especially when used for 'wet applications', such as

winding/unwinding a garden water hose.” Nagler at col. 3, ll. 30-34 (emphasis added). A skilled artisan would not have been motivated to provide a backup electrical power source for a device that does not run on electricity. Further, a skilled artisan would not have been motivated to provide an electric motor to a device that explicitly eliminates the need for an electric motor. Additionally, providing an electric motor would eliminate the explicitly taught advantages of a water-flow operated mechanism (e.g., eliminating the risk of electric shock). *See* Nagler at col. 9, ll. 46-53. Even if a skilled artisan nonetheless desired to provide a backup power source for the spooling device of Nagler, Nagler does not teach or suggest how to modify its apparatus to be compatible with an electric motor.

Second, there is no motivation in Nagler for converting kinetic energy of the water flow to electrical energy, or using generated electrical energy to power the spooling mechanism. Indeed, Nagler teaches away from the use of electricity around the spooling mechanism. *See* Nagler at col. 2, ll. 13-16. Rinkewich merely teaches converting kinetic energy of the water flow to power the operation of the valve. Nothing in Rinkewich suggests electrically powering any other type of device, much less a spooling mechanism.

Third, the motors disclosed in Nagler would be incompatible with alternative energy sources. Each of the vane motor 40 (Fig. 5), the gerotor internal gear motor 70 (Fig. 6), the converter 140 (Fig. 7), and the rotating actuator 180 (Fig. 8) are specifically designed to operate based on water flow. Nagler does not teach or suggest how any of the motors therein would be compatible or could operate with alternative energy sources such as electrical power. Even if Nagler had taught an electrically powered motor to drive the spool, the cited references do not suggest using electricity converted from kinetic energy of a water flow for powering any small scale device other than a valve (e.g., a solenoid valve or the control valve 3, as taught by Rinkewich), let alone an electrically powered reel.

Thus, there is no motivation to combine the water-flow powered spooling mechanism of Nagler with the electrically powered valve of Rinkewich. In addition, there is no suggestion in any of the cited references that the kinetic energy of a fluid flow could be used to usefully power a hose reel. Therefore, Applicants respectfully request that the rejections of Claims 1-26 be withdrawn.

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### Summary

Applicant respectfully submits that all of the pending claims are allowable. Applicant respectfully requests that the Examiner withdraw the rejections and to pass Claims 1-26 to allowance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

5-23-06

By: \_\_\_\_\_



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